

Report Date: March 22, 2012

United States District Court

for the

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAR 26 2012

JAMES R. LARSEN, CLERK
DEPUTY
YAKIMA, WASHINGTONName of Offender: Cabrera-Gutierrez, Pedro
aka: Pedro Jimenez-Hernandez

Case Number: 2:08CR02029-001

Address of Offender: Currently incarcerated at Yakima County Jail, Yakima, WA 98901

Name of Sentencing Judicial Officer: The Honorable William Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 12/16/2008

Original Offense: Failure to Register as a Sex Offender, 18 U.S.C. § 2250

Original Sentence: Prison - 16 Months; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Shawn N. Anderson

Date Supervision Commenced: 05/11/2009

Defense Attorney: TBD

Date Supervision Expires: 05/10/2012

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number **Nature of Noncompliance**

- 1 **Special Condition #14:** You are prohibited from returning to the United States without advance legal permission from the United States Attorney General or his designee. Should you reenter the United States, you are required to report to the probation office within 72 hours of reentry.

Supporting Evidence: The defendant illegally reentered the United States without permission on or about February 3, 2012.

Information received from the United States Immigration and Customs Enforcement (ICE), indicates the defendant was deported to Mexico on July 16, 1993, at Calexico, California; September 28, 2000, at San Ysidro, California; and most recently on May 16, 2009, at San Ysidro, California, and has not obtained legal permission to reenter the United States.

- 2 **Mandatory Condition #2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: On February 3, 2012, the defendant was arrested under the alias Ernesto Suazo Sanchez by the Yakima Police Department in Yakima, Washington, for

Prob12C

Re: Cabrera-Gutierrez, Pedro

March 22, 2012

Page 2

operating a motor vehicle without insurance, case number H00064654; third degree driving while license suspended, case number H00020356; and obstruct a law enforcement officer, case number H00020357.

According to the police report, on February 3, 2012, an officer with the Yakima Police Department observed a vehicle with the driver matching the description of an individual with a felony warrant.

The driver, later identified as the defendant using the alias Ernesto S. Sanchez, pulled the vehicle over into an apartment complex and quickly exited the vehicle. As the officer approached, the defendant looked at the officer and continued to walk quickly from the vehicle ignoring the officer's command to stop. The officer ran to contact the defendant and located him in the landscaping.

The defendant was ordered to the ground and complied after several commands. While partially on the ground the defendant began to pull his left arm out of view and towards his waistband area. The defendant was placed fully on the ground and placed into handcuffs without further incident.

Upon questioning, the defendant provided officers with several names and dates of births. Based on the information the defendant was providing, he could not be identified and was transported to the local ICE office. Based on fingerprint comparison, FBI number and a photograph, ICE agents were able to identify the defendant as Pedro Jimenez-Hernandez. Records indicated the defendant had a misdemeanor warrant in Washington State and a suspended license in Oregon. The defendant was arrested on the above charges and transported to the local jail.

The defendant made his initial appearance on February 6, 2012, in the Yakima Municipal Court on the three above-listed charges and was detained.

On February 28, 2012, the defendant was sentenced in case number H00020357, obstruct a law enforcement officer, and received 364 days jail with 354 days suspended, a \$300 fine and \$493 financial obligations. Case number H00020356, third degree driving while license suspended was dismissed with prejudice this same date.

On March 1, 2012, the defendant was ordered to pay \$602 financial obligations in case H00064654, operating a motor vehicle without insurance.

3 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: On March 5, 2012, a criminal complaint was filed in the United States District Court in the Eastern District of Washington, charging the defendant with Alien in the United States After Deportation, in violation of 8 U.S.C. § 1326, docket number 2:12MJ04086-001.

The defendant made his initial appearance before the Court on March 7, 2012, and was detained pending further action by the Court.

Prob12C

Re: Cabrera-Gutierrez, Pedro

March 22, 2012

Page 3

The indictment filed on March 13, 2012, under docket number 2:12CR02025-LRS-001, charged the defendant in the Eastern District of Washington with being an Alien in the United States After Deportation, in violation of 8 U.S.C. § 1326.

According to the charging document, Pedro Cabrera-Gutierrez, AKA Pedor Jimenez-Hernandez, AKA Eduardo Negrete Infante, a citizen and National of Mexico, was deported on or about July 16, 1993, through Calexico, California; on or about September 28, 2000, at Otay Mesa, California; and on or about May 16, 2009, at San Ysidro, California. He was found in the United States on February 3, 2012, and at that time he did not have express consent of the Attorney General and the Secretary of the Department of Homeland Security to reapply for admission into the United States.

4 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: On March 13, 2012, an indictment was filed in the United States District Court in the Eastern District of Washington, charging the defendant with Failure to Register as a Sex Offender in violation of 18 U.S.C. § 2250, docket number 2:12CR02027-LRS-001.

The defendant made an initial appearance and was arraigned on the new charge on March 14, 2012.

The indictment indicates Pedro Cabrera-Gutierrez, AKA Pedor Jimenez-Hernandez, AKA Eduardo Negrete Infante, is a person required to register under the Sex Offender Registration and Notification Act as a sex offender by reason of a conviction for Sexual Assault in the Second Degree in the Circuit Court of Oregon for Wasco County, cause number CR 98-180, and having traveled in interstate commerce, did knowingly fail to register.

The report from the U.S. Marshals Service indicates, on March 13, 2012, deputies interviewed a person in the community who advised the defendant had been observed traveling to an address in Yakima, Washington, on almost a daily basis over the past year. The deputies learned and confirmed the defendant had been living at a residence in Yakima, Washington, for the past year. The deputies determined the defendant had not registered as a sex offender at either residence.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 03/22/2012

s/Stephen Krous

Stephen Krous
U.S. Probation Officer

Prob12C

Re: Cabrera-Gutierrez, Pedro

March 22, 2012

Page 4

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

3/26/12

Date